

ESTTA Tracking number: **ESTTA652985**

Filing date: **01/29/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91218603
Party	Defendant Ark Sciences, Inc.
Correspondence Address	GRACE J FISHEL LAW OFFICES GRACE J FISHEL 2200 W PORT PLAZA DR , STE 202 SAINT LOUIS, MO 63146-3211 UNITED STATES
Submission	Answer
Filer's Name	Grace J. Fishel
Filer's e-mail	fishel@theapplicant.com
Signature	/Grace J. Fishel/
Date	01/29/2015
Attachments	ApplicantsAnswerToTheNoticeOfOpposition.pdf(53369 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ZEUTER INC.,	:	
	:	
Opposer,	:	Opposition No. 91218603
	:	Serial No. 86170911
v.	:	Mark: ZEUTERIN
	:	
ARK SCIENCES, INC.,	:	
	:	
<u>Applicant.</u>	:	

APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION

Applicant Ark Sciences, Inc., by counsel, responds to the grounds set out in the Notice of Opposition, filed September 30, 2014, by Opposer Ark Sciences, Inc., as follows:

1. Applicant denies the allegations set forth in paragraph 1 of the Notice of Opposition.
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 3 of the Notice of Opposition and therefore denies the same.

AFFIRMATIVE DEFENSES

In further answer to the notice of opposition, Applicant asserts that:

1. The Notice of Opposition fails to state a claim upon which relief can be granted

2. Opposer lacks standing.
3. The applied-for mark does not consist of a signature of a living individual.
4. The applied-for mark does not consist of a signature.
5. The applied-for mark is ZEUTERIN not ZEUTER.
6. Opposer does not have priority.
7. Confusion as to who is the opposer, Zeuter, Inc. or Nick Slater.
8. Applicant will rely on any and all valid defenses, which may be developed through discovery and/or the testimony periods in this opposition proceeding.

WHEREFORE, having fully answered the Notice of Opposition, Applicant Ark Sciences, Inc. respectfully requests that the Notice of Opposition be in all respects dismissed with prejudice, and that the subject application proceeds to issuance of the registration for its mark.

Respectfully submitted,

ARK SCIENCES, INC.

Date:

Jan. 29, 2015

By:



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